

**REMARKS**

Claims 1-12 are pending herein. Claims 3-9 stand withdrawn from consideration. Therefore, Claims 1-2 and 10-12 are under review and consideration by the Examiner.

1. Claims 1-2 and 10-12 were rejected under 35 U.S.C. §102(b) over Yoshida et al. publication. For the reasons noted below and as discussed in the previous Amendment, it is respectfully submitted that Claims 1-2 and 10-12, as amended, are neither anticipated by nor obvious over Yoshida et al.

In the Office Action, the Examiner admitted that Yoshida do not specifically teach an alpha-arteether domain, and that the claims have been interpreted as using open language. Claim 1 has now been amended to recite that the isolated oligonucleotide consists of alpha-arteether resistance conferring domain (ADR) of SEQ ID NO: 1. Therefore, it is respectfully submitted that Yoshida et al. do not anticipate or render the claimed invention obvious.

In view of the above, it is respectfully submitted that none of Claims 1-2 and 10-12 are either anticipated by or obvious over Yoshida et al. publication. Accordingly, it is respectfully requested that the rejection of Claims 1-2 and 10-12 under 35 U.S.C. §102(b) over Yoshida et al. publication be withdrawn.

2. It is further respectfully submitted that since the inventions of Group I (Claims 1-2 and 10-12) and Group III (Claims 5-9) are related as product and process of use, and the product Claims 1-2 and 10-12, as noted above, are allowable, method Claims 5-9 are respectfully requested to be rejoined for examination and allowance.

In summary, it is respectfully submitted that Claims 1-2, 5-9 and 10-12 are all allowable.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that Claims 1-2 and 5-12 are in condition for allowance. Withdrawal of all the objections and rejections and allowance of these claims is respectfully solicited.

It is believed that no additional fee is due for this submission. Should that determination be incorrect, however, the Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

Appl. No. 10/809,814  
Amdt. After Final Rejection (w/ RCE) dated March 5, 2008  
Reply to Office Action of October 30, 2007

Should the Examiner have any questions or wish to discuss further this matter,  
please contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'DA' with a large flourish, positioned above a horizontal line.

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